

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 0853-02
BILL NO.: HCS FOR HBS 265 & 369
SUBJECT: CRIMES AND PUNISHMENT; CRIMINAL PROCEDURE;
DISABILITIES
TYPE: ORIGINAL
DATE: FEBRUARY 23, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
NONE			
TOTAL ESTIMATED NET EFFECT ON <u>ALL</u> STATE FUNDS	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
NONE			
TOTAL ESTIMATED NET EFFECT ON <u>ALL</u> FEDERAL FUNDS	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
LOCAL GOVERNMENT	\$0	\$0	\$0

NUMBERS WITHIN PARENTHESES: () INDICATE COSTS OR LOSSES.
THIS FISCAL NOTE CONTAINS 4 PAGES.

FISCAL ANALYSIS

ASSUMPTION

OFFICIALS FROM THE OFFICE OF ADMINISTRATION - DIVISION OF BUDGET AND PLANNING, OFFICE OF STATE COURTS ADMINISTRATOR, DEPARTMENT OF PUBLIC SAFETY - MISSOURI STATE HIGHWAY PATROL, AND THE OFFICE OF THE STATE PUBLIC DEFENDER ASSUME THE PROPOSED LEGISLATION WOULD HAVE NO FISCAL IMPACT ON THEIR AGENCIES.

OFFICIALS FROM THE OFFICE OF PROSECUTION SERVICES ASSUME THIS PROPOSAL WOULD NOT HAVE A SIGNIFICANT FISCAL IMPACT ON PROSECUTING ATTORNEYS.

OFFICIALS OF THE DEPARTMENT OF MENTAL HEALTH (DMH) ASSUME THIS PROPOSAL WOULD CREATE NO ADDITIONAL DUTIES FOR THEIR DEPARTMENT, SO NO FISCAL IMPACT IS ANTICIPATED. THE DMH CURRENTLY PROVIDES PSYCHOLOGICAL EVALUATIONS ON ALL DEFENDANTS IN MURDER TRIALS.

OFFICIALS FROM THE DEPARTMENT OF CORRECTIONS (DOC) STATED THAT 12% OF THE INMATE POPULATION IN CY 2000 HAD AN IQ OF 75 OR LOWER, BUT NOT ALL INMATES CONVICTED OF MURDER 1 RECEIVE THE DEATH PENALTY. IT IS UNKNOWN HOW MANY OFFENDERS THE COURT WOULD DETERMINE TO BE MENTALLY RETARDED AND THAT COULD POSSIBLY HAVE RECEIVED THE DEATH PENALTY, BUT THE DOC ASSUMES IT WOULD BE A SMALL PERCENTAGE. HOWEVER, FISCAL IMPACT DUE TO PASSAGE OF THIS PROPOSAL WOULD OCCUR AFTER THE AVERAGE TEN-YEAR-PLUS TIME SERVED BY DEATH-ROW INMATES PRIOR TO EXECUTION, AND IS,

THEREFORE, BEYOND THE SCOPE OF THIS FISCAL NOTE. THE DOC DOES NOT ANTICIPATE THE NEED FOR ADDITIONAL CAPITAL IMPROVEMENTS AT THIS TIME. IT MUST BE NOTED THAT THE CUMULATIVE EFFECT OF VARIOUS NEW LEGISLATION, IF PASSED INTO LAW, COULD RESULT IN THE NEED FOR ADDITIONAL CAPITAL IMPROVEMENTS FUNDING IF THE TOTAL NUMBER OF NEW OFFENDERS EXCEEDS CURRENT PLANNED CAPACITY.

OFFICIALS FROM THE OFFICE OF THE ATTORNEY GENERAL ASSUME THE PROPOSAL COULD RESULT IN ADDITIONAL APPEALS, WHICH COULD BE MANAGED WITH CURRENT STAFFING. THE COSTS OF THE PROPOSAL COULD BE ABSORBED WITHIN EXISTING RESOURCES.

<u>FISCAL IMPACT - STATE</u> <u>GOVERNMENT</u>	FY 2002 (10 MO.)	FY 2003	FY 2004
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - LOCAL</u> <u>GOVERNMENT</u>	FY 2002 (10 MO.)	FY 2003	FY 2004
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - SMALL BUSINESS

NO DIRECT FISCAL IMPACT TO SMALL BUSINESSES WOULD BE EXPECTED AS A RESULT OF THIS PROPOSAL.

DESCRIPTION

THIS PROPOSAL REVISES THE DEATH PENALTY LAW TO PROHIBIT ITS USE ON DEFENDANTS WHO ARE FOUND TO BE MENTALLY RETARDED BY THE PREPONDERANCE OF THE EVIDENCE. THE JUDGE DETERMINES THE ISSUE OF MENTAL RETARDATION PRIOR TO THE TRIAL. THE PROPOSAL ALSO DEFINES "MENTAL RETARDATION" AS A CONDITION INVOLVING SUBSTANTIAL LIMITATIONS IN GENERAL FUNCTIONING.

THIS LEGISLATION IS NOT FEDERALLY MANDATED, WOULD NOT
DUPLICATE ANY OTHER PROGRAM AND WOULD NOT REQUIRE
ADDITIONAL CAPITAL IMPROVEMENTS OR RENTAL SPACE.

SOURCES OF INFORMATION

OFFICE OF PROSECUTION SERVICES
OFFICE OF STATE COURTS ADMINISTRATOR
OFFICE OF THE STATE PUBLIC DEFENDER
OFFICE OF ADMINISTRATION - DIVISION OF BUDGET AND
PLANNING
DEPARTMENT OF MENTAL HEALTH
DEPARTMENT OF PUBLIC SAFETY - MISSOURI STATE HIGHWAY
PATROL
OFFICE OF ATTORNEY GENERAL
DEPARTMENT OF CORRECTIONS



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FEBRUARY 23, 2001